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United States District Court
District of Nevada

United States of America,

Plaintiff,

v.

Darian Benevento,

Defendant.

Case No. 2:21-cr-00155-JAD-BNW-1

**Unopposed Motion for Copies of
Non-Public Docket for Appellate
Purposes**

Defendant Darian Benevento, through counsel, moves this Court for an order permitting the Clerk's office to provide copies of the non-public docket sheet to undersigned counsel and counsel for the government. The non-public docket is necessary for the parties to assemble and review Mr. Benevento's record for his direct appeal to the Ninth Circuit. *United States v. Darian Benevento*, 9th Cir. No. 22-10319. The non-public docket sheet lists all sealed or restricted documents not viewable on the public docket sheet. From the public docket, counsel has identified missing docket entries: Dkt. Nos. 4, 7.

Without the non-public docket sheet, the parties cannot determine the nature and relevance of the sealed or restricted documents for appeal. Review of the non-public docket sheet will permit the parties to effectively determine which sealed or

1 restricted documents need to be obtained and reviewed for direct appeal. If, after
2 reviewing the non-public docket sheet, either party requires review of certain sealed
3 or restricted documents, the party will request such items with specificity in a
4 separate motion.

5 Access to the non-public docket is, therefore, necessary for counsel to provide
6 constitutionally adequate representation for Mr. Benevento and so the parties can
7 accurately provide and cite to the record on appeal. *See* Fed. R. App. P. 10(a); 9th Cir.
8 Rules 10-2(b), 28-2.8, and 30-1; *see also, e.g., United States v. Knight*, No. 3:19-cr-
9 00038-MMD-CLB, ECF No. 214 (D. Nev. Sept. 28, 2021) (granting unopposed motion
10 for copy of non-public docket for appellate purposes); *United States v. Prior*, No. 3:18-
11 cr-00019-LRH-CLB, ECF No. 315 (D. Nev. Feb. 16, 2022) (same).

12 For these reasons, undersigned counsel requests the Court order the Clerk's
13 office to provide copies of the non-public docket sheet to undersigned counsel and
14 counsel for the government. A proposed order is attached for the Court's convenience.

15 The undersigned has contacted counsel for the government, Appellate Chief
16 and Assistant United States Attorney Robert Ellman, and the government does not
17 oppose this motion.

18 Dated: April 19, 2023.

19 Respectfully Submitted,

20 RENE L. VALLADARES
21 Federal Public Defender

22 By: s/Lauren B. Torre

23 Lauren B. Torre
24 Assistant Federal Public Defender
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United States District Court
District of Nevada

United States of America,
Plaintiff,
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Darian Benevento,
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Case No. 2:21-cr-00155-JAD-BNW-1

**Order Permitting Copies of
Non-Public Docket for Appellate
Purposes**

IT IS HEREBY ORDERED that the Clerk's Office provide copies of the complete, non-public docket sheet to counsel for Darian Benevento and counsel for the United States of America.

Dated: April 20, 2023.



U.S. DISTRICT COURT JUDGE